

# **JUVENILE JUSTICE: Emerging Issues & Solutions**

August 28, 2015  
APAAC Training Center  
Phoenix, Arizona



## **TRENDING ISSUES IN JUVENILE PROSECUTION & JUVENILE DISPOSITION OPTIONS: NOW & TOMORROW**

Presented By:

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Distributed By:

**ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL**  
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TRENDING ISSUES IN JUVENILE  
PROSECUTION  
AND  
JUVENILE DISPOSITION OPTIONS:  
NOW & TOMORROW

Beth Beringhaus, Maricopa County Attorney's  
Office  
Dale Cardy, Pima County Attorney's Office  
Janina Walters, Pinal County Attorney's Office

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DETENTION ISSUES

• Juvenile Detention Alternative Initiative  
(JDAI)

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DETENTION ISSUES

• ADSIF

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## DETENTION ISSUES

- Evidence Based Practice

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## DETENTION ISSUES

- Detention Officers

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## ADJC ISSUES

- 8-342 Commitment of child; medical examination

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### ADJC ISSUES

- Have the number of commitments gone down?

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### ADJC ISSUES

- ADJC monies from counties

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### ADJC ISSUES

- ADJC closing?

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## PROBATION ISSUES

- Uniform Probation Terms

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## PROBATION ISSUES

- Sex Offender Terms

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## COURT ISSUES

- No cuffs

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## COURT ISSUES

- Juvenile Detention Hearing times/cut-off times

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## COURT ISSUES

- Drug Courts

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## COURT ISSUES

- Juvenile Affidavits

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## COURT ISSUES

- Warrants

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## COUNTY SPECIFIC

- Juvenile process and hearing sequence in different counties

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## COUNTY SPECIFIC

- Service/Notice of initial hearing process

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## COUNTY SPECIFIC

- Diversion process

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## COUNTY SPECIFIC

- Cross-over youth courts

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## COUNTY SPECIFIC

- Specialty Courts; special processes

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### WORKING GROUP

- Who wants to participate?
- Who will chair the group?
- How do we want to meet?
- How frequently?

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### WORKING GROUP

- Discussion points:
  - Juvenile profiles - sharing across counties
  - Body Cams/Redaction

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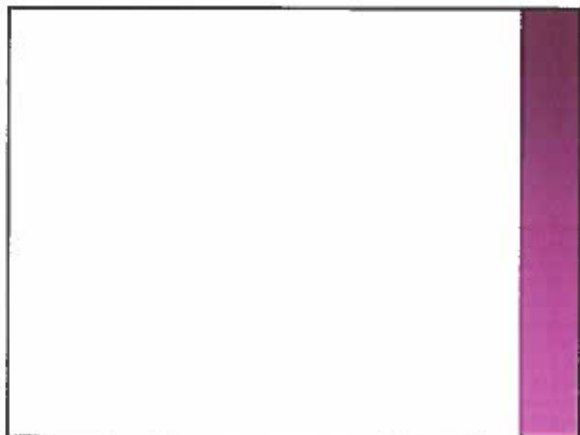
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### Arizona Detention Screening Instrument Form

Name:		DOB:		File#	
Date:		Time:		Sex:	
School:		Last Attend Date:		Grade:	
Most Severe Offense:		<input type="checkbox"/> DV	Ref Agency:	Ref#	

#### Section A: Most Serious Current Offense (Choose only one from the section A)

Mandatory 12 Point Offense : (Mitigating Factors Cannot Apply)	Required Points	Points	Points
First or Second Degree Murder 13-1105, 1104 class 1	12		
Attempted Murder 13-1001 class 2	12		
Minor in Possession of Firearms 13-3111 class 6	12		
Negligent Homicide 13-1102 class 4	12		
Manslaughter 13-1103 class 2	12		
Sexual Assault 13-1406 Class 2	12		
<b>Sexual Abuse 13-1404 (Victim Under 15) class 3</b>	12		
Molestation of a child 13-1410 class 2	12		
Armed Robbery 13-1904 class 2	12		
Arson of an Occupied Structure 13-1704 class 2	12		
<b>Aggravated Assault 13-1204 class 2 or 3</b>	12		
Aggravated Robbery 13-1903 class 3	12		
Kidnapping 13-1304 class 2	12		
Drive-By Shooting 13-1209 class 2	12		
<b>First Degree Burglary 13-1508 class 2</b>	12		
<b>Mandatory 12 Point Offense: (Mitigating Factors Apply)</b>			
First Degree Burglary 13-1508 class 3	12		
Escape from a secure care facility (escapes in the second degree) 13-2503 class 5	12		
<b>Mandatory 8 Point Offenses:</b>			
<b>Aggravated Assault 13-1204 class 4, 5 or 6</b>	8		
Driving Under the Influence 28-1381 class 1 misd	8		
<b>Deadly Weapon on School Grounds 13-3102 (12) class 1 misd</b>	8		
<b>Carrying a concealed weapon (other than a firearm) 13-3102</b>	8		
Sexual Abuse 13-1404 class 5	8		
<b>All Other Offenses:</b>			
Felony Class 2 or 3	6		
Felony Class 4, 5 or 6	3		
Misdemeanor or Violation of Probation/Condition of Release	1		
<b>Total Offense Points</b>			

#### Section B: Prior Offense History

Pending Felony Petition (not related to current offense)	3	Points	Points
Prior history of warrant (within the last 6 months)	2		
Pending Misdemeanor or Violation of Probation Petition (not related to current offense)	1		
None	0		
<b>Total Referral Points (max 3 points)</b>			

#### Section C: Legal Status/Court History

Parole/JIPS	3	Points	Points
Active Probation	2		
Felony Adjudication in last 18 months (not currently on probation)	1		
None	0		
<b>Total History Points (max 3 points)</b>			

**Section D: Aggravating Factors (choose a maximum of 3 from this section)**

Not Attending School as Required- verified by intake officer	1	
Under the Influence of Alcohol Drugs - requiring a medical clearance	1	
Multiple felony charges this referral (unrelated event)	1	
History of Fire Setting or Animal Cruelty	1	
Total Aggravating Points (max 3 points)		

**Section E: Mitigating Factors (choose a maximum of 3 from this section)**

Attending School as required - verified by intake officer	1	
Currently Employed/Extra Curricular activity	1	
Family Member or Responsible Adult able to assume responsibility for juvenile	1	
No FTA History	1	
Total Mitigating Points (max 3 points)		

**Total Score (A+B+C+D-E)****Indicate Decision**

0-6	<input type="checkbox"/>	Release
7-11	<input type="checkbox"/>	Release to Alternative (indicate alternative below) (Will include drop down options)
12+	<input type="checkbox"/>	Detain

**Special Detention Cases**Check  
applicable

In County Warrant: (check the type of warrant) (Will include drop down options)

☐ FTA☐

Probation Violation

**ADJC Warrant with felony charges**

Other Jurisdiction Warrants(s) or Courtesy Hold (check one below)

☐

Federal Hold

☐

Tribal Member

☐

Jurisdiction:

☐

Contract Hold

Violation of Condition of Release (Pre-Adjudicated)

Court Ordered Detained

Probation Violation: With supervisor approval

**Detention Overrides**

The Juvenile is detained because:		
The Juvenile is released because:		
If not detained, who released to:		
Override Approved by Supervisor (Required):		
Completed by (print name):		
Completed by (Signature):		Date:

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
**PINAL COUNTY JUVENILE DIVISION**  
**UNIFORM CONDITIONS OF SUPERVISED JUVENILE PROBATION**

In the Matter of \_\_\_\_\_ JV# \_\_\_\_\_ SWID# \_\_\_\_\_

☐ The Pinal County Juvenile Court has placed me on Supervised Probation for a period of \_\_\_\_\_ months beginning on \_\_\_\_\_ or until my eighteenth birthday for the offense of \_\_\_\_\_ a delinquent act, which would be a ☐ felony ☐ misdemeanor, if I were an adult.

OR

☐ I have been Re-instated on Supervised Probation, for a modified term of \_\_\_\_\_ months with a revised expiration date of \_\_\_\_\_.

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**I HAVE BEEN ORDERED TO ABIDE BY THE FOLLOW TERMS AND CONDITIONS OF SUPERVISED PROBATION:**

I have been Ordered to live with the following person: \_\_\_\_\_ at the following address: \_\_\_\_\_

**I SHALL ALSO OBEY THE FOLLOWING TERMS AND CONDITIONS #1 - #13 AS ORDERED:**

1. I will obey all laws.
2. I will follow the rules of my parents, guardians and the juvenile probation officer (JPO); I will report to my probation officer and I will report any contact with law enforcement to the JPO within 24 hours.
3. I will tell my probation officer of any change of residence, address, and/or phone number, I will not leave the County of Pinal and/or the State of Arizona, without written permission from the JPO.
4. I will not use or possess any illegal drugs, toxic substances or vapors. I will not use alcohol or tobacco. I will not abuse any prescription or over the counter medication.
5. I will submit to random or periodic drug or alcohol testing directed by the JPO or the court.
6. I will submit to search and seizure of my person and/or property by my officer of the Court without benefit of a search warrant.
7. I will not have or use a firearm, dangerous, deadly or prohibited weapon.
8. I will not knowingly associate with anyone who is violating the law. I will not associate with anyone who is a known gang member or who has a criminal record without the permission of my probation officer. I will not associate with any of the following persons: \_\_\_\_\_
9. I will go to school, have no unexcused absences and follow all rules and regulations, *OR*
10. I will seek and maintain regular full time employment, if legally permitted to do so, and provide a copy of my scheduled work hours to the JPO as directed.
11. I will perform \_\_\_\_\_ hours of community restitution service as directed by the JPO by \_\_\_\_\_.
12. I will abide by the following curfew: Sun – Thurs: \_\_\_\_\_ Fri – Sat: \_\_\_\_\_
13. Other: Will be subject to electronic monitoring (EM) at the discretion of your probation officer \_\_\_\_\_

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**SPECIAL CONDITIONS (AS APPLICABLE):**

1. I will attend, participate, make satisfactory progress and complete any treatment program which I am directed or ordered by the Court.
2. I will follow all other conditions of probation as ordered by the court and/or JPO.
3. Other:
  - ☐ I will comply with additional terms of Juvenile Intensive Probation, including:
    - a. Participate in a minimum of 32 hours per week in programs involving education, community restitution, employment, counseling, or any combination of the above as directed by your probation officer. All changes to the above program must receive prior approval from your probation officer.
    - b. Remain at your place of residence at all times except as allowed by your probation officer and when participating in your approved 32 hour programming.
  - ☐ Transfer probation supervision ☐ courtesy ☐ in its entirety to \_\_\_\_\_ County, Arizona.
  - ☐ Transfer probation supervision by interstate compact to \_\_\_\_\_
  - ☐ Abide by the following Supplemental Terms, as attached: ☐ Gang Terms ☐ Sex Offender Terms
  - ☐ Other: \_\_\_\_\_

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
PINAL COUNTY JUVENILE DIVISION  
UNIFORM CONDITIONS OF SUPERVISED JUVENILE PROBATION FORM**

☒ It is FURTHER ORDERED that financial obligations shall be paid to the Clerk of the Superior Court, as follows:

<u>Juvenile Financial Obligations</u>	<u>Amount</u>	<u>Parent/Guardian(P/G) Financial Obligations</u>	<u>Amount</u>
Restitution: Total \$ _____	\$ _____ /month	Restitution: Total \$ _____	\$ _____ /month
Time Payment Fee: _____	\$ _____	Time Payment Fee: _____	\$ _____
Monetary Assessment Fee: _____	\$ _____	Probation Supervision Fee: _____	\$ _____ /month
Fine (inclusive of applicable surcharges): _____	\$ _____	Counseling, Treatment & Education Fee: _____	\$ _____
Probation Surcharge: _____	\$ _____	Attorney Reimbursement Fee: _____	\$ _____
Prior Order(s) of Restitution: \$ _____	\$ _____ /month	Victim Rights Fee: _____	\$ _____
Other: _____	\$ _____	Other: _____	\$ _____
	\$ _____		\$ _____
JUVENILE MINIMUM MONTHLY PAYMENT	\$ _____	PARENT/GUARDIAN MINIMUM MONTHLY PAYMENT	\$ _____

IT IS ORDERED that the juvenile, the juvenile's parents/guardians and any adjudicated codefendants shall be jointly and severally liable for the restitution ordered above, unless specifically ordered otherwise by the Court.

**THE TOTAL JUVENILE AND PARENT/GUARDIAN MINIMUM PAYMENT DUE TODAY  
AND ON THE \_\_\_\_\_ DAY OF EACH MONTH,**

**UNTIL ALL FINANCIAL OBLIGATIONS ARE PAID IN FULL, IS \$ \_\_\_\_\_\*.**

*\*The time payment fees(s) is also due today if restitution, monetary assessment, fines, and surcharges are not paid in full today's date.*

**ATTACHMENTS ADDED:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RECEIPT AND ACKNOWLEDGMENT:** *I acknowledge receipt of the conditions of probation and any attachments added. I understand that by not abiding by the conditions of probation, I may be arrested, returned to court, and/or committed to the Arizona Department of Juvenile Corrections.*

**I ALSO UNDERSTAND THAT A JUVENILE RESTITUTION ORDER SHALL BE ENTERED AGAINST THE RESPONSIBLE PARTY FOR THE AMOUNT OF ANY PAYMENTS WE HAVE BEEN ORDERED TO MAKE WHICH STILL ARE UNPAID UPON JUVENILE'S 18<sup>TH</sup> BIRTHDAY.**

\_\_\_\_\_  
Juvenile Date

\_\_\_\_\_  
Juvenile Court Judge Date

\_\_\_\_\_  
Probation Officer Date

\_\_\_\_\_  
Parent or Guardian Date

\_\_\_\_\_  
Parent or Guardian Date

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
ARIZONA CODE OF JUDICIAL	)	Administrative Order
ADMINISTRATION § 6-307:	)	No. 2014 - <u>34</u>
UNIFORM CONDITIONS OF	)	
SUPERVISED JUVENILE PROBATION	)	

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The above-captioned provision came before the Arizona Judicial Council on March 20, 2014 and was approved and recommended for adoption. Staff members from the Administrative Office of the Courts have advised that a delayed effective date is necessary to allow courts to complete the requirements and receive approval of the Administrative Director, Administrative Office of the Courts permitting governance under the evidence-based practices codes. In Administrative Orders No. 2013-91 and No. 2013-92, all juvenile courts were ordered to comply with these requirements and to be governed by ACJA 6-301.01 and 6-302.01 no later than July 1, 2015. This delayed effective date will also allow courts sufficient time to prepare and print the new forms without unnecessary expense.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above-captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

IT IS FURTHER ORDERED that the implementation of the requirements of this code section shall be completed no later than July 1, 2015.

IT IS FURTHER ORDERED that any juvenile court wishing to voluntarily implement the requirements of this code section prior to July 1, 2015, and prior to approval as an evidence-based juvenile court, may do so.

Dated this 2nd day of April, 2014.

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REBECCA WHITE BERCH  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 6: Probation**  
**Chapter 3: Juvenile Services**  
**Section 6-307: Uniform Conditions of Supervised Juvenile Probation**

**A. Definitions.** In this section the following definitions apply:

“Juvenile court” means “the juvenile division of the superior court when exercising its jurisdiction over children in any proceeding relating to delinquency, dependency or incorrigibility” as provided in § A.R.S. 8-201(18).

“Presiding juvenile judge” means the presiding judge of the juvenile court in each county.

**B. Applicability.** Based on the administrative authority provided by Article VI, Section 3 of the Arizona Constitution, the attached form and the following procedures shall govern the uniform conditions of supervised probation imposed by the juvenile court.

**C. Purpose.** The attached Uniform Conditions of Supervised Juvenile Probation form is adopted and incorporated as Appendix A in order to ensure consistency among courts and probation departments.

**D. General Administration.**

1. The presiding juvenile judge shall ensure all judges within their jurisdiction use the Uniform Conditions of Supervised Juvenile Probation form for cases assigned to the probation department for supervision.
2. Courts shall impose uniform conditions on juveniles dispositioned by the juvenile court to supervised probation using the attached adopted form, which may be amended pursuant to subsection D(3).
3. The form shall be duplicated and used by courts in the following manner. Each juvenile court shall duplicate the Uniform Conditions of Supervised Juvenile Probation form as adopted, except formatting changes which are permitted. If a court changes a condition, the change shall be documented on the form. When special conditions are imposed in addition to those specified, they shall be listed under Special Condition 3, or attached in a separate document.
4. A juvenile court shall use only the currently approved uniform conditions form when continuing probation.

**Section 6-307: Uniform Conditions of Supervised Juvenile Probation**  
**Appendix A**  
**Uniform Conditions of Supervised Juvenile Probation Form**

In the matter of \_\_\_\_\_ JV#(s) \_\_\_\_\_ SWID# \_\_\_\_\_

The \_\_\_\_\_ County Juvenile Court has placed me on Supervised Probation for a period of \_\_\_\_\_ months beginning on \_\_\_\_/\_\_\_\_/\_\_\_\_ or until my eighteenth birthday for the offense of \_\_\_\_\_, a delinquent act, which would be a \_\_\_\_\_, if I were an adult.

**OR**

I have been Re-instated on Supervised Probation, for a modified term of \_\_\_\_\_ months with a revised expiration date of \_\_\_\_/\_\_\_\_/\_\_\_\_.

**I HAVE BEEN ORDERED TO ABIDE BY THE FOLLOWING TERMS AND CONDITIONS OF SUPERVISED PROBATION:**

I have been Ordered to live with the following person: \_\_\_\_\_, at the following address: \_\_\_\_\_.

**I SHALL ALSO OBEY THE FOLLOWING TERMS AND CONDITIONS #1-13 AS ORDERED:**

1. I will obey all laws.
2. I will follow the rules of my parents, guardians and the juvenile probation officer (JPO); I will report to my probation officer and I will report any contact with law enforcement to the JPO within 24 hours.
3. I will tell my probation officer of any change of residence, address, and/or phone number; I will not leave: the County of \_\_\_\_\_ and/or the State of Arizona, without written permission from the JPO.
4. I will not use or possess any illegal drugs, toxic substances or vapors. I will not use alcohol or tobacco. I will not abuse any prescription or over the counter medication.
5. I will submit to random or periodic drug or alcohol testing directed by the JPO or the court.
6. I will submit to search and seizure of my person and/or property by an officer of the Court without benefit of a search warrant.
7. I will not have or use a firearm, dangerous, deadly or prohibited weapon.
8. I will not knowingly associate with anyone who is violating the law. I will not associate with anyone who is a known gang member or who has a criminal record without the permission of my probation officer. I will not associate with any of the following persons: \_\_\_\_\_.
9. I will go to school, have no unexcused absences and follow all rules and regulations. **OR**
10. I will seek and maintain regular full time employment, if legally permitted to do so, and provide a copy of my scheduled work hours to the JPO as directed.

11. I will perform \_\_\_\_\_ hours of community restitution service as directed by the JPO by \_\_\_\_/\_\_\_\_/\_\_\_\_.
12. I will abide by the following curfew: Sun. – Thurs: \_\_\_\_\_ Fri – Sat: \_\_\_\_\_.
13. Other: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**SPECIAL CONDITIONS (AS APPLICABLE):**

1. I will attend, participate, make satisfactory progress and complete any treatment program which I am directed or ordered by the court.
2. I will follow all other conditions of probation as ordered by the court and/or JPO.
3. Other: \_\_\_\_\_

**ATTACHMENTS ADDED:**

**RECEIPT AND ACKNOWLEDGMENT:** I acknowledge receipt of the conditions of probation and any attachments added. I understand that by not abiding by the conditions of probation I may be arrested, returned to court, and/or committed to the Arizona Department of Juvenile Corrections.

Juvenile	Date	Juvenile Court Judge	Date
Probation Officer	Date	Parent or Guardian	Date
		Parent or Guardian	Date

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

# SENATE BILL 1478

## AN ACT

AMENDING SECTIONS 8-342, 35-142.01 AND 41-2801, ARIZONA REVISED STATUTES;  
AMENDING TITLE 41, CHAPTER 26, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING  
SECTIONS 41-2832 AND 41-2833; REPEALING LAWS 2012, CHAPTER 302, SECTION 27  
AND LAWS 2014, CHAPTER 12, SECTION 10; RELATING TO CRIMINAL JUSTICE BUDGET  
RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-342, Arizona Revised Statutes, is amended to  
3 read:

4 8-342. Commitment of child; medical examination

5 ~~A. A child under the age of eight years shall not be committed to the~~  
6 ~~department of juvenile corrections nor shall a dependent or incorrigible~~  
7 ~~child be awarded to the department of juvenile corrections.~~

8 A. A CHILD WHO IS ANY OF THE FOLLOWING SHALL NOT BE COMMITTED OR  
9 AWARDED TO THE DEPARTMENT OF JUVENILE CORRECTIONS:

10 1. ADJUDICATED DELINQUENT FOR AN OFFENSE THAT IS NOT A FELONY UNLESS  
11 THE CHILD HAS BEEN PREVIOUSLY ADJUDICATED DELINQUENT FOR AN OFFENSE THAT IS A  
12 FELONY OR IS SERIOUSLY MENTALLY ILL.

13 2. UNDER FOURTEEN YEARS OF AGE.

14 3. A DEPENDENT OR INCORRIGIBLE CHILD.

15 B. Before commitment to the department of juvenile corrections, every  
16 child shall be given a medical examination. If it is determined that any  
17 contagious or infectious disease is present, the child shall not be committed  
18 to the department of juvenile corrections, but the juvenile court shall order  
19 that the child be given the necessary medical treatment at the county  
20 hospital or other medical facility. When the child is discharged by  
21 competent medical authority, the juvenile court may order the child's  
22 commitment to the department of juvenile corrections. In any case copies of  
23 records, examinations and evaluations shall be made of the findings of the  
24 medical examination and of any subsequent treatment and discharge, which  
25 copies shall accompany the child's commitment papers.

26 Sec. 2. Section 35-142.01, Arizona Revised Statutes, is amended to  
27 read:

28 35-142.01. Reimbursement of appropriated funds; receipt and  
29 deposit; prohibition; inmate health care services;  
30 notice

31 A. Except as provided in ~~subsection~~ SUBSECTIONS B AND C of this  
32 section, when monies are appropriated to a budget unit for a specific program  
33 or purpose that is subject to reimbursement in whole or in part from federal  
34 monies or any other source, and that is so noted in the appropriation bill,  
35 the budget unit, ~~upon~~ ON receipt of such reimbursement, shall deposit the  
36 monies, pursuant to sections 35-146 and 35-147, in the state general fund or  
37 the fund from which the appropriation was originally made. If the  
38 reimbursement is not noted in the appropriation bill, it may be credited to  
39 the account out of which the expenditure was incurred if the director of the  
40 budget unit determines that reimbursement within the fiscal year is necessary  
41 for operation of the budget unit and was not specifically considered and  
42 rejected by the legislature at the time of appropriating monies to the budget  
43 unit. The director of the budget unit shall notify the joint legislative  
44 budget committee, the governor's office of strategic planning and budgeting

1 and the state comptroller in writing of determinations made pursuant to this  
2 section.

3 B. When monies are appropriated to the Arizona health care cost  
4 containment system administration or the department of health services and  
5 the specific program or purpose for which the monies are appropriated is  
6 subject to reimbursement for reconciliation payments from or penalties  
7 against program contractors or health plans, the department or  
8 administration, on receipt of such reimbursement, shall deposit the monies,  
9 pursuant to sections 35-146 and 35-147, in the state general fund or the fund  
10 from which the appropriation was originally made. The Arizona health care  
11 cost containment system administration and the department of health services  
12 are prohibited from allowing reconciliation payments from or penalties  
13 against program contractors or health plans to be credited against future  
14 payments to the program contractor or health plan.

15 C. NOTWITHSTANDING SECTION 35-190, THE STATE DEPARTMENT OF CORRECTIONS  
16 MAY CREDIT AGAINST PAYMENTS OWED IN THE CURRENT FISCAL YEAR TO THE  
17 DEPARTMENT'S HEALTH CARE CONTRACTOR THE AMOUNT OF STATE AND FEDERAL MONIES  
18 PAID BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION FOR  
19 HEALTH CARE SERVICES ON BEHALF OF MEDICAID-ELIGIBLE INMATES REGARDLESS OF THE  
20 DATES OF SERVICE. ON OR BEFORE JULY 1 OF EACH YEAR, THE DIRECTOR OF THE  
21 STATE DEPARTMENT OF CORRECTIONS SHALL NOTIFY THE DIRECTORS OF THE JOINT  
22 LEGISLATIVE BUDGET COMMITTEE AND THE GOVERNOR'S OFFICE OF STRATEGIC PLANNING  
23 AND BUDGETING OF THE AMOUNT OF CREDITS AGAINST PAYMENTS FOR THE PREVIOUS  
24 FISCAL YEAR.

25 Sec. 3. Section 41-2801, Arizona Revised Statutes, is amended to read:

26 41-2801. Definitions

27 In this chapter, unless the context otherwise requires:

28 1. "Committed youth" or "youth" means a person who is ~~eight~~ FOURTEEN  
29 years of age or older but who has not yet attained the age of eighteen years  
30 and who has been committed according to law to the department of juvenile  
31 corrections for supervision, rehabilitation, treatment and education.

32 2. "Department" means the department of juvenile corrections.

33 3. "Director" means the director of the department of juvenile  
34 corrections.

35 4. "Educational system" means the state educational system for  
36 committed youth.

37 5. "Secure care" means confinement in a facility that is completely  
38 surrounded by a locked and physically secure barrier with restricted ingress  
39 and egress.

40 Sec. 4. Title 41, chapter 26, article 1, Arizona Revised Statutes, is  
41 amended by adding sections 41-2832 and 41-2833, to read:

42 41-2832. County contributions for committed youth in secure  
43 care facilities; county payments; excluded costs

44 A. THE DEPARTMENT SHALL ANNUALLY ASSESS A COMMITTED YOUTH CONFINEMENT  
45 COST SHARING FEE TO EACH COUNTY.

1 B. EACH COUNTY SHALL PAY THE MONIES OWED WITHIN THIRTY DAYS AFTER A  
2 REQUEST BY THE DEPARTMENT. IF A COUNTY DOES NOT MAKE THE PAYMENT, THE  
3 DIRECTOR SHALL NOTIFY THE STATE TREASURER OF THE AMOUNT OWED AND THE STATE  
4 TREASURER SHALL WITHHOLD THE AMOUNT, INCLUDING ANY ADDITIONAL INTEREST AS  
5 PROVIDED IN SECTION 42-1123, FROM ANY TRANSACTION PRIVILEGE TAX REVENUES THAT  
6 WOULD OTHERWISE BE DISTRIBUTED TO THE COUNTY. THE STATE TREASURER SHALL  
7 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE WITHHOLDINGS IN THE  
8 DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND ESTABLISHED BY  
9 SECTION 41-2833. THE DEPARTMENT SHALL DEPOSIT THE MONIES RECEIVED FROM A  
10 COUNTY IN THE DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND  
11 ESTABLISHED BY SECTION 41-2833.

12 C. COUNTY CONTRIBUTIONS MADE PURSUANT TO THIS SECTION ARE EXCLUDED  
13 FROM THE COUNTY EXPENDITURE LIMITATIONS.

14 D. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY MEET THE COST SHARING  
15 REQUIREMENTS OF THIS SECTION FROM ANY SOURCE OF COUNTY REVENUE DESIGNATED BY  
16 THE COUNTY, INCLUDING MONIES OF ANY COUNTYWIDE SPECIAL TAXING JURISDICTION IN  
17 WHICH THE BOARD OF SUPERVISORS SERVES AS THE BOARD OF DIRECTORS.

18 41-2833. Department of juvenile corrections local cost sharing  
19 fund: use

20 A. THE DEPARTMENT OF JUVENILE CORRECTIONS LOCAL COST SHARING FUND IS  
21 ESTABLISHED CONSISTING OF MONIES COLLECTED AND DEPOSITED PURSUANT TO SECTION  
22 41-2832. THE DEPARTMENT SHALL ADMINISTER THE FUND.

23 B. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND ARE  
24 TO BE USED FOR THE OPERATING COSTS OF THE DEPARTMENT.

25 Sec. 5. Repeal

26 A. Laws 2012, chapter 302, section 27 is repealed.

27 B. Laws 2014, chapter 12, section 10 is repealed.

28 Sec. 6. State department of corrections: budget structure

29 Notwithstanding any other law, the state department of corrections  
30 shall report actual fiscal year 2014-2015, estimated fiscal year 2015-2016  
31 and requested fiscal year 2016-2017 expenditures in the same structure and  
32 detail as the prior fiscal year when the department submits the fiscal year  
33 2016-2017 budget request pursuant to section 35-113, Arizona Revised  
34 Statutes. The information submitted for each line item shall contain as much  
35 detail as submitted in previous years for prior line items.

36 Sec. 7. Department of public safety: highway monies: limitation

37 Notwithstanding section 28-6537, Arizona Revised Statutes, the  
38 statutory caps and transfers of Arizona highway user revenue fund monies  
39 available to fund department of public safety highway patrol costs are  
40 suspended for fiscal year 2015-2016.

41 Sec. 8. GIITEM border security and law enforcement subaccount:  
42 expenditure plan: review

43 Notwithstanding section 41-1724, subsection G, Arizona Revised  
44 Statutes, before the department of public safety spends any monies  
45 appropriated in the general appropriation act for fiscal year 2015-2016 from

1 the gang and immigration intelligence team enforcement mission border  
2 security and law enforcement subaccount established by section 41-1724,  
3 Arizona Revised Statutes, the department shall submit the subaccount's entire  
4 expenditure plan to the joint legislative budget committee for review.

5 Sec. 9. Nonsupplanting; suspension; report

6 Notwithstanding any other law, in fiscal year 2015-2016 the provisions  
7 relating to supplanting of state monies pursuant to section 12-102.02,  
8 subsection E, section 12-102.03, subsection D, section 12-135, subsection D,  
9 section 12-135.01, subsection D, section 12-267, subsection D, section  
10 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised  
11 Statutes, are suspended. The Arizona supreme court shall submit a report to  
12 the joint legislative budget committee identifying any decrease in county  
13 funding related to these suspended provisions, including the reasons for the  
14 decrease.

15 Sec. 10. Attorney general; department of public safety; state  
16 aid to indigent defense fund; fiscal year 2015-2016

17 Notwithstanding section 11-588, Arizona Revised Statutes, in fiscal  
18 year 2015-2016:

19 1. The attorney general may use monies in the state aid to indigent  
20 defense fund established by section 11-588, Arizona Revised Statutes, for  
21 activities related to capital postconviction prosecution.

22 2. The department of public safety may use monies in the state aid to  
23 indigent defense fund established by section 11-588, Arizona Revised  
24 Statutes, for operating expenses.

25 Sec. 11. State department of corrections; incarceration  
26 contracts implementation; fiscal year 2016-2017

27 A. The state department of corrections shall award a contract or  
28 contracts to open up to one thousand beds on July 1, 2016 pursuant to  
29 requests for proposals issued by the state department of corrections for up  
30 to a total of two thousand medium security prison beds at new or existing  
31 contracted bed facilities or expansions of contracted bed facilities in this  
32 state under the authority of section 41-1609, Arizona Revised Statutes.

33 B. The state department of corrections may award a contract or  
34 contracts for the remaining male medium security prison beds under the  
35 requests for proposals described in subsection A of this section only if  
36 specific legislative authorization for the award is provided.

37 Sec. 12. Legislative intent; 2012 request for proposals;  
38 incarceration contracts; cessation of authority

39 It is the intent of the legislature that the authority granted by Laws  
40 2012, chapter 302, section 27 and Laws 2014, chapter 12, section 10 for the  
41 state department of corrections to award a contract or contracts for the  
42 remaining one thousand beds with specific legislative authority pursuant to  
43 the February 2, 2012 request for proposals for up to two thousand male medium  
44 security beds at new or existing private prisons or at expansions of private  
45 prisons in this state ceases from and after June 30, 2015.

1       Sec. 13. Legislative intent: county contribution amount for  
2               committed youth in secure care facilities

3       It is the intent of the legislature that the amount of the annual  
4 committed youth confinement cost sharing fee that the director of the  
5 department of juvenile corrections must assess to each county for committed  
6 youth in secure care facilities pursuant to section 41-2832, Arizona Revised  
7 Statutes, is each county's proportional share of \$12,000,000, using  
8 population data from the most recent United States decennial census.

9       Sec. 14. Applicability

10       Sections 8-342 and 41-2801, Arizona Revised Statutes, as amended by  
11 this act, apply only to a child who is committed to the department of  
12 juvenile corrections on or after the effective date of this act.